

### **REMARKS**

The Examiner's rejection of claims 1 to 4 under 35 U.S.C. 102(b) as being anticipated by Bowes, et al. (3,156,369; hereinafter Bowes '369) is respectfully traversed. Bowes '369 shows a bicameral container that shows a upper member portion of the capsule body that uniformly tears away a portion of the lower body. The device shown in Bowes '369 does not have cutting prongs disposed in a certain arc radius of the bottom periphery with the cutting material in between to sever a fixed portion of the sealed lower member bottom. Claim 1 has been amended to clearly distinguish applicant's invention by its unique two prong cutting surface. In order for anticipation, each and every element of the claimed invention must be found in the reference. Clearly, Bowes does not have any type of two prong cutting surface along its lower edge.

The Examiner's rejection of claims 1-3 and 6 under 35 U.S.C. 102(b) as being anticipated by Guasch, et al. (5,782,345; hereinafter Guasch '345) is respectfully traversed. Guasch '345 shows an upper member that, again, does not have a cutting surface with two specific prongs defining a cutting area with the lower end of the upper member as it penetrates the sealed bottom of the lower member. In fact, Guasch '345 is rotated and comes to a stop and has a completely different structure than that claimed by applicant in amended claim 1. Claims 2 and 3 depend from claim 1 as does claim 6. In order for there to be anticipation, each and every element of the claimed invention must be found in the reference. Clearly, Guasch '345 does not have the unique cutting structure as claimed by applicant in applicant's amended claim 1.

The Examiner's rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Bowes '369 in view of Rizzardi is respectfully traversed. Applicant reiterates the remarks above concerning the Bowes '369 reference. Rizzardi does not teach the two prong features claimed by applicant in amended claim 1. Therefore, even adding Rizzardi to Bowes does not provide

In re Applicant: ANDERSON, Michael R.  
Serial No: 10/605,873  
Page 6

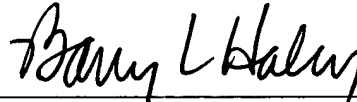
applicant's claimed invention.

The Examiner's rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Bowes '369 in view of Pittman is respectfully traversed. Again, applicant reiterates applicant's comments regarding Bowes '369. Pittman does not add or suggest the use of double prongs in a cutting edge as claimed specifically by applicant in amended claim 1 from which claim 6 depends. Pittman in conjunction with Bowes '369 will not produce applicant's invention.

In summary, it is believed that claims 1 through 6 are now allowable over the art of record.

The applicant believes the case is now in condition for allowance. Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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